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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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SERVICE-UNIVERSAL DISTRIBUTORS, INC.; SERVICE LIQUOR DISTRIBUTORS, UNIVERSAL LIQUOR DISTRIBUTORS, and their cargo insurers;	:	ECF CASE
	:	07 Civ. 3389 (RWS)
Plaintiffs,	:	<b>COMPLAINT</b>
-against-	:	
M/V SYDNEY EXPRESS, M/V DRESDEN EXPRESS, their engines, tackles, boilers, etc.; CP SHIPS (UK) LIMITED; CP SHIPS; HAPAG LLOYD CONTAINER LINE; HAPAG LLOYD AMERICA, INC.; CPS NUMBER 1;	:	
Defendants.	:	

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Plaintiffs, through their undersigned attorney, allege as follows for their complaint against the captioned defendants:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure arising from a maritime contract to carry cargo by ocean vessel from the place of receipt in Australia to the place of intended delivery at New York. This action also falls within the Court's federal question, pendent, ancillary, and supplemental jurisdiction as to the remaining aspects of the claim in suit, including those matters relating to the multimodal and interstate carriage of the cargo. Plaintiffs

seek recovery for cargo damage and loss caused by defendants' breaches of contract and torts.

2. Plaintiffs Service-Universal Distributors, Inc., Service Liquor Distributors, and Universal Liquor Distributors are corporations or other business entities organized under the laws of, and with their principal place of business in, certain of the fifty states, and bring this action as and for the purchasers, owners, and intended consignees of the cargo in suit, and as holders of the subject bills of lading. This action is also brought for and on behalf of the insurer of the cargo, Vigilant Insurance Co., as its interests may now or hereafter appear.

3. Defendants are believed to be corporations organized under the laws of, and with their principal places of business in, certain of the fifty states or foreign sovereigns and are engaged in the business of a common carriers of cargo for hire and the provision of services related thereto.

4. Upon information and belief said defendants conduct business with respect to shipments to, from and within the State of New York and the United States as a whole.

5. The captioned vessels are now or will be during the course of this action within the maritime jurisdiction of this Court or is otherwise subject to jurisdiction pursuant to Rule 4(k)(2) Federal Rules of Civil Procedure.

6. This action involves damage and loss to shipments of wine carried in containers CASU080299-1 and FBLU7310722-7 from Adelaide, Australia, to New York, with ocean carriage on aboard the M/V SYDNEY EXPRESS, voyage 6507N, and/or the M/V DRESDEN EXPRESS, voyage 087E, as described more fully in [CP Ships \(UK\)](#)

Ltd. bills of lading SYDPP008560 and SYDPP008570, both dated on or about March 31, 2006, and others.

7. The aforesaid loss and damage was caused by defendants' reckless failure to properly load, stow, carry, protect, care for and deliver the subject cargo, and defendants' unreasonable deviation from, and fundamental breaches of, the governing contracts of carriage.

8. As a result of the aforesaid, defendants, as common carriers, bailees, and or warehousemen for hire, are liable to plaintiffs for damages in the amount of \$200,000.00, no part of which has been paid although duly demanded.

9. Plaintiffs sue on their own behalf and as agents and trustees for and on behalf of anyone else who may now have or hereafter acquire an interest in this action.

WHEREFORE, plaintiffs demand judgment against the captioned defendants jointly and severally in the amount of \$200,000.00, in addition to prejudgment compound interest at the rate of 9% per annum and the costs of this action, and respectfully request that the Court issue its process against the aforesaid vessels *in rem*.

Dated: New York, New York  
April 27, 2007

Law Offices,  
DAVID L. MAZAROLI

*s/David L. Mazaroli*

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